

REMARKS

In the outstanding official action, the Examiner required an election of species under 35 U.S.C. § 121 between the following alleged patentably distinct species of the invention:

- I. Transmission 1 with claw: Figs. 2-3 (w/claim 17);
- II Transmission 1 with synchromesh: Figs. 2-3 (w/claim 18);
- III. Transmission 2 with claw: Figs. 4-5 (w/claim 17); or
- IV Transmission 2 with synchromesh: Figs. 4-5 (w/claim 18).

Reconsideration of this requirement for election of species is respectfully requested in view of the following remarks.

The Applicant believes that the present invention contains various embodiments of a single inventive concept. All four species contain the features presently recited in claims 13, 16, 19 and 24 which are currently generic to all of the species of the invention. Moreover, the Applicant believes that claims 13, 16, 19 and 24 are allowable and consequently all species of the invention should be prosecuted in one and the same application for efficiency reasons. It is respectfully submitted that all of the species of the invention represent similar ways of obtaining the same desired results disclosed within this application.

Notwithstanding the above, in order to fulfill the Examiner's request, the Applicant provisionally elects, with traverse, to prosecute the species of the claimed invention of Species I, i.e., the transmission 1 with claw as shown in Figs. 2-3 of the drawings. The Applicant also provisionally elects, with traverse, claims 13 to 17 and 19 to 24 which are readable on the elected species to be prosecuted on the merits.

The Applicant does not waive any rights with respect to the non-elected species and does not intend to abandon that subject matter. If the Examiner makes the election requirement final, the Applicant respectfully requests that the non-elected species be withdrawn from further consideration but remain in this application subject to reinstatement, in the event that a generic claim is allowed, or for possible filing of a divisional application(s).

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In view of the foregoing, it is respectfully submitted that the outstanding election of species requirement should be withdrawn and examination of all claims pending in this application, on the merits, is respectfully requested at the present time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. October 1, 2004.

By: 

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